

Attorney Docket No. 7175-74059
Application No. 10/736,418 (Filed December 15, 2003)
Reply to Office Action dated August 10, 2005

REMARKS

Claims 19-29 are pending in the subject application. Claims 19, 20, 22, 25, and 27 are amended herein. Claims 1-18 and 30 have been previously canceled.

Reconsideration of the rejection of claims 19-29 as being unpatentable under 35 U.S.C. 103(a) over U.S. Pat. No. 5,802,641 to Van Steenburg (“Van Steenburg”) in view of U.S. Pat. No. 1,516,795 to Schwarting (“Schwarting”) is requested. It is believed that independent claims 19, 20, 22, 25, and 27, and dependant claims 21, 23, 24, 26, 28, and 29, patentably distinguish over Van Steenburg and Schwarting for the reasons given below.

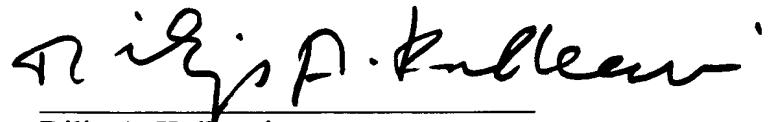
Regarding claims 19, 20, and 22, neither Van Steenburg, nor Schwarting disclose or suggest “a rod assembly including an elongated rod coupled to a lockable swivel joint” in combination with “the lockable swivel joint being coupled to the mount and configured to permit movement of the elongated rod relative to the mount about a plurality of intersecting axes.” Regarding claims 25 and 27, neither Van Steenburg, nor Schwarting disclose or suggest “an elongated rod coupled to the mount by a swivel joint to permit movement of the elongated rod relative to the mount about a plurality of intersecting axes.” Instead, as disclosed at column 3, lines 31 et seq. and 57 et seq. and as shown in Figs. 1-3, the support arm 12 is coupled to a vertical post 34 for rotation about two *non-intersecting* axes 36 and 72 as shown by arrows 35 (abduction direction) and 74 (lithotomy direction) in Fig. 3. Accordingly, applicants respectfully submit that amended independent claims, and dependent claims 19, 20, 22, 25, and 27, and dependant claims 21, 23, 24, 26, 28, and 29, patentably distinguish over Van Steenburg and Schwarting, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and

shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-74059.

Respectfully submitted,
BARNES & THORNBURG



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